## UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:17-cv-610-RJC-DSC

| SHANITA LENELL ELLIS, | )           |            |
|-----------------------|-------------|------------|
| Plaintiff,            | )           |            |
| vs.                   | )<br>ORI    | <u>)ER</u> |
| PMAB, LLC,            | ,<br>,      |            |
| Defendant.            | )<br>)<br>) |            |

THIS MATTER comes before the Court sua sponte.

Defendant removed this matter from Mecklenburg County District Court on October 13, 2017. (Doc. No. 1). To date, nothing has been filed since the date of removal. On April 24, 2019, the Court issued an Order to Show Cause, (Doc. No. 2), as to why this case should not be dismissed for failure to prosecute. Plaintiff had until May 7, 2019 to respond. (Doc. No. 2). The time has now expired, and Plaintiff has failed to respond to the Show Cause Order.

Federal Rule of Civil Procedure 41(b) provides as follows:

If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it. Unless the dismissal order states otherwise, a dismissal under this subdivision (b) and any dismissal not under this rule—except one for lack of jurisdiction, improper venue, or failure to join a party under Rule 19—operates as an adjudication on the merits.

It is Plaintiff's burden to move this case forward, and Plaintiff has failed to do so.

## IT IS, THEREFORE, ORDERED that all of Plaintiff's claims against Defendant are DISMISSED. The Clerk of Court is directed to close this case.

Signed: August 9, 2019

Robert J. Conrad, Jr.

United States District Judge